

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

JUDGE HOLLOWAY  
JUDGE BARROW  
JUDGE DAUGHERTY

Class Action

70-C-322

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
GEORGE CHATMAN, Individually, and for All Others Similarly Situated  vs  REGINALD D. BARNES, Chairman, G. T. DAUGHERTY, JOE ABLES, LEON N. GILBERT, R. M. GREER, W. C. JONES, JAMES A. McNEESE, JOE D. VOTO and MRS. ROBERT J. HARTLEY, Members of THE OKLAHOMA PUBLIC WELFARE COMMISSION; L. E. RADER, Director of PUBLIC WELFARE, STATE OF OKLAHOMA; NORA NICHOLS, Ad- ministrator of Public Welfare, Tulsa County, State of Oklahoma; DEWEY BARTLETT, Governor, State of Oklahoma; G. T. BLANKENSHIP, Attorney General, State of Oklahoma		For plaintiff: Ben G. Price Byron S. Matthews H. B. Allen <del>Thomas Port</del> 2125 E. First St. Tulsa, Okla. 74104 (936-1966)  For defendant: Robert H. Mitchell and <del>Carl G. Engling</del> , Asst. Atty General State Capitol Building Oklahoma City, Oklahoma  — Larry Derryberry, Atty Gen. Robert Mitchell, Asst Atty Gen.  *Raymond J. Totoro Sequoyah Bldg P. O. Box 25352 Okla City, Okla 73125 - For Department of Institutions  Chase Gordon (Dept of Pub. Welfare)					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed //1-1-70	Clerk						
J.S. 6 mailed 3-1-73	Marshal						
Basis of Action: Injunctive & Declaratory relief	Docket fee						
	Witness fees						
Action arose at: Tulsa, Ok.	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-12-70	Affidavit to proceed in forma pauperis, filed. g	
10-13-70	Order granting application to proceed in forma pauperis, filed. (AEB-J)g	
10-12-70	Complaint for declaratory and injunctive relief, filed. Summons issued.g	
10-19-70	Return on summons, filed. Served G. T. Blankenship, Atty Gen. of State of Okla. personally in Okla. City, Okla. on 10-16-70. (Fees: \$4.00)m	
10-19-70	Return on summons, filed. Served Dewey Bartlett, Gov. of State of Okla. in Okla. City, Okla. on 10-16-70. (Fees: \$4.00)m	
10-19-70	Return on summons, filed. Served Nora Nicholson, Adm. of Publ Welfare, Tulsa County, in Tulsa, Okla. on 10-14-70. (Fees: \$3.00)m	
10-19-70	Return on summons, filed. Served L. E. Rader personally in Okla. City, Okla. on 10-16-70. (Fees: \$4.00)m	
10-19-70	Return on summons, filed. Served Reginald D. Barnes by serving J. Harry Johnson, Chief Legal Counsel, in Okla. City, on 10-16-70; served G. T. Daugherty by serving J. Harry Johnson; served Joe Ables, Leon N. Gilbert, R. M. Greer, W. C. Jones, James A. McNeese, Joe D. Voto and Mrs. Robert J. Hartley, all served by serving J. Harry Johnson in Okla. City, all on 10-16-70. (Fees: \$36.00)m	
10-21-70	Order, constituting three-judge court, filed. (David T. Lewis, Chief Judge, USCA, 10th Circuit) William J. Holloway, Jr., Allen E. Barrow, and Fred Daugherty. ds	
10-27-70	Defendant Blankenship's motion to dismiss, filed. ds	
10-30-70	Memorandum brief in support of motion to dismiss filed by defendants Dewey Bartlett, Governor, and G. T. Blankenship, atty gen. respectively, of the State of Oklahoma, filed. ds	
11-5-70	Answer of Chairman and Members of Oklahoma Public Welfare Commission, Director of Public Welfare, and Tulsa County Administrator of Public Welfare, defendants, filed. g	
11-5-70	Plaintiff's brief opposing Governor's and Attorney General's motion to dismiss, filed. ds	
12-29-70	Plaintiff's request for admission under Rule 36, filed. b	
1-18-71	Application and Order to Extend time to answer request for admission under Rule 36 filed. It is ordered that defendants, defendants, Dewey Bartlett, Governor, G.T. Blankenship, Atty Gen, are hereby granted an extension of time of 20 days, to 2-7-71 to file their objections or answers to Request for Admission propounded by plaintiffs.(AEB-J	
1-19-71	Defendants' objections to requests for admissions, filed.	
1-19-71	Ordered by the Court that defendants are granted two days from this date to file brief in support of defendants' objections to requests. (AEB-J) ds <i>then briefs made motions filed</i>	
1-21-71	Defendant's Application for extended time to file brief. Filed. r	
1-26-71	Defendant, State of Oklahoma, Answers to requests for admissions, filed. copies mailed to each judge. ds	
1-21-71	Order granting an extension of time to and including the 7th day of February, 1971 in which to file a Brief in support their objections to Request for Admission under Rule 36. (AEB-J)r <i>Order turned to judges &amp; attys</i>	
2-1-71	Defendants' brief in support of objections to requests for admissions, filed. ds - copies mailed to judges	
2-8-71	Plaintiff's brief opposing objections to requests for admissions, filed. g cpies mailed.	
4-20-71	Order overruling defts' objections to request for admissions filed by the pltf's, filed. (AEB-J)m (defts. to respond to request for admissions within 20 days) (copies mailed)	
4-20-71	Order overruling motion to dismiss filed by Dewey Bartlett, Governor, State of Okla. and G. T. Blankenship, Atty. Gen., State of Okla., filed. Answer to be filed in 20 days. (AEB-J)m (copies mailed)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-5-71	Response of defts. Chairman & members of Okla. Pub. Welfare Commission, Dir. of Pub. Welfare & Tulsa County Adm. of Publ Welfare, to request for admissions, filed. m (copies mailed Judges)	
5-11-71	Answer of Dewey Bartlett, Governor, State of Oklahoma, and G. T. Blankenship, Attorney General, State of Oklahoma, filed. b	
5-24-71	Defendant's motion for summary judgment, filed. ds (Affidavit attached)	
5-24-71	Brief of defendants in support of motion for summary judgment, filed. ds	
6-4-71	Plaintiff's Motion for S/J filed.h - <i>copies to Judges</i>	
6-4-71	Plaintiff's Brief on Motions for S/J filed.h	
6-4-71	It is ordered that defendants granted 10 days to respond to plaintiffs motion for summary judgment.(AEB-J)h (letters mailed)	
8-8-71	It is order that this case is set for hearing to determine class-action (AEB-J)h (6-15-71 at 10:00 a.m.)	
6-11-71	Application of Attorney General to extend time to respond to plaintiff's motion for summary judgment, filed. g Order attached granting def. Bartlett, Gov., extention of 10days down to and including 6-24-71, to file response to plaintiffs Motion for S/J.(AEB-J)h	
6-15-71	Hearing held to determine class action. Parties present and represented. Court finds that this is likely to be a class-action pursuant to Rule 24(b)(2) or 24(b)(3) and subject to modification, <i>pursuant to 24(c)</i> Application for extension of time to respond to Plaintiff's motion for S/J is granted, and Order signed and filed. (AEB-J)h	
6-15-71	Order granting Def. to June 24, 1971 to respnd to Plaintiff's Motion for S/J filed. h(AEB-J)h <i>copies mailed</i>	
6-22-71	Responsive brief on behalf of attorney general and Governor pertaining to the motions for summary judgment, filed. ds <i>mailed to Judges</i>	
6-23-71	Brief of defendants in response to plaintiff's motion for summary judgment, filed. ds <i>mailed to Judges</i>	
6-23-71	Ordered by the Court that parties complete discovery and file all pleadings, including motions, briefs, responses, etc., in this case on or before 8-1-71. (AEB-J)m (letters written)	
6-25-71	Plaintiff's interrogatories, filed. ds	
7-12-71	Answers to Pltfs' Interrogatories, filed. r <i>mailed to Judges</i>	
7-20-71	Application to extend time to file supplemental interrogatories by the plaintiff, filed. Mailed to Judges. v	
7-23-71	Order that defts. make and serve upon pltf's atty. an answer to interrogatory #2, filed 7-12-71, within 15 days, filed. (WJH & FD-Judges) (copies mailed attys. & Judges)	
8-2-71	Notice,(for 8-31-71 at 10:00 a.m. on hearing on Merits) filed, js (mailed to all parties and too Legal News for 1 day pub.).	
8-2-71	Amended answer to plaintiffs' interrogatories, filed. ds <i>mailed to Judges</i>	
8-12-71	Proof of publication, filed. ds	
8-31-71	Case called for hearing on the merits and cross-motions for S/J. Parties present and represented. Parties announce ready. It is ordered that Hon. Dewey Bartlett be substituted by Hon. David Hall, and G.T. Blankenship be substituted by Larry Derryberry. It is ordered that copies of State manue be furnished to the Clerk by Chase Gordon, the parts that are pertinent by agreement of the parties. It is ordered that the case be submitted on cross-motions for S/J., joined and adopted by the Atty Gen and the	
	Governor by leave of the Court. The Court invites parties to review all discovery and material and submit the case on stipulation of the parties, and are allowed 10 days in which to do so.(Hon. Wm. J. Holloway, A.E.B. and F.D.-Judges.)h (over)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-10-71	Stipulation of parties as to facts, filed. ds	
9-10-71	Supplemental memorandum on behalf of plaintiff, filed. ds	
8-31-72	Excerpt of Three Judge Hearing, filed by Larry E. Marks, U.S. Court Reporter. v	
8-31-72	Reporter's Transcript of Proceedings Had on June 15, 1972, Excerpt of Court's Ruling, filed by Larry E. Marks, U.S. Court Reporter. v	
2-21-73	Memorandum opinion and order, filed and entered, that (1)prior order relating to maintenance of a class suit is modified that pltf. may not maintain a class suit as to his claims that 56 OSA ##182 & 183 are invalid; otherwise, prior order shall remain in effect; (2)all relief is denied as to statutes 56 OSA ##182 & 183; (3)Sec. 321.18 of the Dept. Manual as applied to deny benefits to pltf. & other similarly situated is violative of equal protection clause of 14th amendment & it is adjudged that pltf. & others similarly situated are & were entitled to benefits denied them under the Okla. Aid to the Disabled Program under said Sec. of Manual & deft. members of Okla. Public Welfare Commission, its Director & its Administrator for Tulsa County are enjoined from denying said benefits to pltf. & all others similarly situated in the class described under said Sec. of Manual & (4) all other relief against defts. is denied. (William J. Holloway, Jr., Fred Daugherty & Allen E. Barrow-Judges)hm (copies mailed)	